

REMARKS

Applicants reply to the Office Action dated February 28, 2005 within the shortened three month statutory period for reply. Claims 1-51 were pending in the application and the Examiner rejects claims 1-51. Reconsideration of this application is respectfully requested.

The Examiner rejects claims 1, 31, 39, 40 and 45-47 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner states that, “the phrase ‘consistent user interface’ is a relative phrase, which renders the claims indefinite”. Applicants respectfully disagree. “User interface consistency” is a phrase and practice that is well known in the art and universally understood by those of ordinary skill. There have been many books and papers written on the subject since roughly the time that Apple Computer Inc. first commercially introduced the graphical user interface (GUI) with the release of the Apple Macintosh in 1984. See <http://www.answers.com/topic/macintosh>, visited April 26, 2005, attached hereto as Exhibit A.

While different GUI designers may have varying ideas regarding best practices for creating user interface consistency, the understanding of the term itself is not relative. For example, a first designer may produce a web site where each web page contains a navigation panel on the right side of the page. As such, the first designer is implementing user interface consistency to help the user more easily navigate the web site without having to re-locate the navigational controls within each web page. A second designer may create a web site wherein the navigational controls are located at the top of each web page. While the first and second designers implemented different styles of web site navigation, each implemented user interface consistency within their respective web site.

Further, the Examiner states that “the phrase and particularly the word ‘consistent’ is so broad as inhibiting a reasonable determination of the metes and bounds of the claims”. Applicants respectfully disagree. MPEP 2111.01(II) states that “Claim terms are presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art”. The Merriam-Webster online dictionary (www.m-w.com) defines “consistency” as the “agreement or harmony of parts or features to one another or a whole”. Applicants maintain that the Merriam-Webster definition of “consistency” is representative of the ordinary and customary meanings attributed to the term by those of ordinary skill in the art. For example, “consistent user interfaces across applications are thought to facilitate transfer of learning because a user can

draw on existing knowledge when using a new application.” *See* http://jmis.bentley.edu/articles/v14_n4_p167/ visited April 26, 2005, attached hereto as Exhibit B. Moreover, “the user interface for your Web site should follow the general navigation and layout conventions of major Web sites because your users will already be used to those conventions.” *See* <http://www.webstyleguide.com/interface/user-centered.html> visited April 26, 2005, attached hereto as Exhibit C. Furthermore, “before developing an application, we need to plan and decide a consistent visual scheme for the application that will be followed throughout.” *See* <http://www.startvbdotnet.com/forms/design.aspx> visited April 26, 2005, attached hereto as Exhibit D. Even a search on the Google™ Internet search engine (www.google.com) for “consistent GUI” yields over 500 uses of the phrase in the relevant art(s).

Therefore, the use of the phrase “consistent user interface” as disclosed by the Applicants corresponds with ordinary and customary meanings attributed to the term by those of ordinary skill in the art. Moreover, the originally filed specification supports this definition by stating, for example, “the present invention is directed to providing a shopping cart that obtains products for a consumer across many different merchant sites while maintaining a consistent user interface for the consumer no matter from which merchant the products are retrieved or obtained.” (paragraph 11, emphasis added). In other words, although product descriptions are retrieved from a variety of web sites, they are all displayed in a consistent manner within a single web site.

The Examiner next rejects claims 1, 2, 9-10, 12, 22-26, 28-31, 36, 39-40 and 45-51 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,101,482 (“DiAngelo”) in view of W/O 00/31657 (“Redcart”). Applicants respectfully traverse this rejection.

DiAngelo discloses a method for purchasing products and services, wherein a consumer must select products and services from a plurality of merchant websites by storing product and merchant information on the consumer's computer. When the consumer is ready to consummate the purchases, the information stored in the consumer's computer is uploaded to a server which then facilitates the purchase transactions. The “shopping cart” as disclosed by DiAngelo is maintained on the consumer's computer as the consumer navigates any number of merchant websites and selects items for purchase from different website interfaces.

Thus, it would not be possible for DiAngelo to ensure user interface consistency to consumers browsing different merchant sites, as each merchant web site may employ differing navigational controls and ways of displaying product information. As such, DiAngelo does not

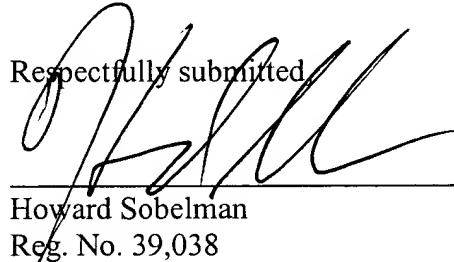
disclose or suggest "displaying said information from said at least one website within said consistent user interface" as similarly recited in independent claims 1, 31, 39-40 and 45-47.

Dependent claims 3-8, 11, 13-21, 27, 32-35 and 41-44 variously depend from independent claims 1, 31, 39-40 and 45-47; so dependent claims 3-8, 11, 13-21, 27, 32-35 and 41-44 are differentiated from the cited references for at least the same reasons as set forth above, as well as their own respective features.

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814, including any required extension fees.

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Respectfully submitted


Howard Sobelman
Reg. No. 39,038

SNELL & WILMER L.L.P.

400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6228
Fax: 602-382-6070
Email: hsobelman@swlaw.com